

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

DEUTSCHE BANK TRUST COMPANY
AMERICAS, in its capacity as successor
indenture trustee for certain Series of Senior
Notes, *et al.*,

Plaintiffs,

v.

ADALY OPPORTUNITY FUND TD
SECURITIES INC. C/O ADALY
INVESTMENT MANAGEMENT CO., *et al.*,

Defendants.

Case No. 1:11-CV-4784 (RJH)

RULE 7.1 STATEMENT

Pursuant to Federal Rule of Civil Procedure 7.1, the undersigned counsel for Hypo Real Estate Bank International (a private non-governmental party) certifies that the successor to Hypo Real Estate Bank International has been merged into DEPFA Bank plc and that:

- (1) the parent corporation of DEPFA Bank plc is Hypo Real Estate Holding AG; and
- (2) no publicly held corporation owns more than 10% of the stock of DEPFA Bank plc.

Dated: November 14, 2011
New York, NY

Respectfully submitted,

/s/ Rachel B. Kane
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